

**REMARKS**

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, on or off the record, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

**Examiner's Point 2: Response to Amendment:**

Applicant thanks the Examiner for her expeditious treatment of this case. Applicant has complied with the Examiner's request, by canceling claim 2 (without prejudice), and presenting claim 3 as a new claim.

**Examiner's Point 3-6: Double Patenting :****Under §101:**

The Examiner rejected claim 3 under §101 as claiming the same invention as that of claim 1 of the prior US Patent No. 6,392,374. Applicant has cancelled the following portion of claim 3:

and wherein further, the bistable device (11) is mounted in the extension of the casing of the motor and its movable part (14) is equipped with a radial spigot (16) passing through a slot (15) of the fixed part forming a circuit of ramps and traps, this spigot being capable of being driven by an arm (8) integral with the casing of the motor when the bistable device (11) is in its first stable position and to allow the spring of the bistable device to push the moving part (14) into its second stable state, an escape being also possible as a result of a pulling force on the pulling element (17).

Consequently, the scope of the claim is broader than that of claim 1 of the original application and the type 101 double patenting is overcome. Further, Applicant has attached

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a terminal disclaimer to overcome the nonstatutory double patenting rejection that this amendment solicits.

Nonstatutory Double Patenting:

The Examiner has rejected claim 1 under the doctrine barring obviousness-type double patenting. Applicant has enclosed the requisite terminal disclaimer.

It is believed therefore that the double patenting rejection is overcome. Acknowledgement of this fact is respectfully requested.

Examiner's Points 7-8: 102(b) Rejection based on Carle:

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Carle (US Patent No. 4,272,708). Applicant traverses this rejection. To support a §102 rejection, the Examiner must show that the cited prior art reference shows each and every element claimed. Carle describes an electronic circuit arrangement for a motor for the purpose of driving a window in motor vehicles comprising:

... a motor current supervising stage for switching the motor in case of blocking, wherein the motor current supervising stage responds to a change in time of the motor current... The dynamic [electronic] supervising of the motor current offers a greater reliability than the known static supervising of the motor current. The circuit senses a rapid change in motor current to indicate that the window has met an undesired (e.g a human) obstacle.

Carle does not describe an actuation device which, by *mechanical means*, may be placed in a second state (open) using a bistable device (11 ; 30; 37) actuated by reaction against element being displaced (in Carle's case, the car window). The cutoff in Carle is accomplished by an *electronic means* using, in particular, a resistance of the measured power supply current (col. 2, lines 65-68). No hint or suggestion is made of the mechanical means of the present invention, as claimed. It is therefore respectfully asserted that the §102 rejection is overcome. Acknowledgement of this fact is respectfully requested.

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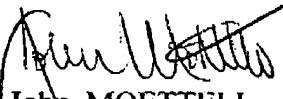
Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by cancelling claims, by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at [patents@bugnion.ch](mailto:patents@bugnion.ch).

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of ONE month and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17, including the fee for a terminal disclaimer, which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

Respectfully submitted,

BUGNION S.A.

Date : April 12, 2005  
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Enclosure: Terminal disclaimer

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